IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.54597 of 2006

MUKESH KUMAR SINGH @ MUKESH KUMAR….Petitioner
Versus
1. STATE OF BIHAR
2. NAND LAL SINGH
……Opposite Party
with

Cr.Misc. No.2114 of 2006
1. LLOYDS FINANCE LITD. THRU. PANKAJ DESAI
2. PANKAJ DESAI @ PANKAJ R. DESAI
3. VIJAY KUMAR SINGH
….Petitioners
Versus
1. THE STATE OF BIHAR
2. SHRI NAND LAL SINGH
….Opposite parties

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8. 22.10.2008. Both the applications have been filed for quashing of impugned order of cognizance dated 16.12.2005 passed by Sri B. Tiwary, Judicial Magistrate Ist Class, Patna in Complaint Case No. 1633 C of 2005 thereby the cognizance has been taken against the petitioners under Sections 406, 420 and 120 B of the IPC.

Heard learned counsel for both the parties.

It is submitted that the company has already deposited the entire principal amount. Only interest is now due. In support of it Annexure-11 has been filed which is the receipt of full and final settlement

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regarding fixed deposit in question executed by opposite party no. 2.

Learned counsel for opposite party no. 2 does not dispute about the execution of annexure-11. He also prays for quashing of the aforesaid complaint case with liberty to opposite party no. 2 to raise the matter of payment of interest in the light of order, if any, passed by the Bombay High Court in Company Petition No. 1017 of 2002.

Having regard to the facts and circumstances of the case as well as the above submissions made by learned counsel for both the parties, both the applications are hereby allowed. Impugned order of cognizance along with entire complaint case stands quashed. However, opposite party no. 2 shall be at liberty to raise the matter of payment of interest before appropriate authority in the light of order, if any, passed by Bombay High Court in the aforesaid Company Petition.

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kanchan **(Ghanshyam Prasad, J.)**